
SENATE BILL No. 509

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-15; IC 36-2-7-10.

Synopsis: Public records and recording fees. Adds the public access counselor and the director of the data processing oversight commission to the members of the oversight committee on public records. Requires the oversight committee on public records to establish a fee schedule for services provided to customers of the commission on public records. Increases the supplemental fee for recording a document with the county recorder from \$3 to \$5, and provides that \$1 of the fee goes to a local government preservation account within the state general fund to provide money for the preservation of local government public records. Establishes the local government records advisory council to make recommendations to the commission on public records concerning grants from the local government preservation account.

Effective: July 1, 2001.

Merritt

January 22, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 509

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-15-5.1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Subject to
3 approval by the oversight committee on public records created by
4 section 18 of this chapter, the commission shall do the following:
- 5 (1) Establish a forms management program for state government
6 and approve the design, typography, format, logo, data sequence,
7 form analysis, form number, and agency file specifications of
8 each form.
 - 9 (2) Establish a central state form numbering system and a central
10 cross index filing system of all state forms, and standardize,
11 consolidate, and eliminate, wherever possible, forms used by state
12 government.
 - 13 (3) Approve, provide, and in the manner prescribed by IC 5-22,
14 purchase photo-ready copy for all forms.
 - 15 (4) Establish a statewide records management program,
16 prescribing the standards and procedures for record making and
17 record keeping; however, the investigative and criminal history

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records of the state police department are exempted from this requirement.

(5) Coordinate utilization of all micrographics equipment in state government.

(6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.

(7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.

(8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.

(9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(10) Establish and operate a statewide record preservation laboratory.

(11) Prepare, develop, and implement record retention schedules.

(12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the commission.

(14) Have the authority to examine all forms and records housed or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the data processing oversight commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to **patrons of the Indiana state archives: customers of the commission.** A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

(b) In implementing a forms management program, the commission

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shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 2. IC 5-15-1.5-5.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.4. (a) The local government records preservation account is established within the state general fund.**

(b) The account shall be administered by the Indiana commission on public records with guidance from the local government records advisory council established under section 5.5 of this chapter. The money in the account does not revert to any other account within the state general fund at the end of a state fiscal year.

(c) The account consists of fees collected under IC 36-2-7-10(b)(10).

(d) Money in the account is annually appropriated to the commission for use in the preservation of local government public records.

SECTION 3. IC 5-15-1.5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5.5. (a) The local government records advisory council is established.**

(b) The council shall be composed of the following:

- (1) The president of the county recorder's association.
- (2) A recorder representing a county with a population of at least one hundred thousand (100,000), appointed by the president of the county recorder's association.
- (3) A recorder representing a county with a population of less than one hundred thousand (100,000), appointed by the president of the county recorder's association.
- (4) The state archivist.
- (5) A representative of a county historical society, appointed by the president of the recorder's association and the state archivist.
- (6) A representative of a county genealogical society, appointed by the president of the county recorder's association and the state archivist.
- (7) The state public access counselor.

(c) The advisory council shall make recommendations to the

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commission on public records as to grants from the local government preservation account established under section 5.4 of this chapter.

(d) An affirmative vote of at least four (4) members is required for the passage of any matter put to the vote of the council.

(e) Except as provided in subsection (f), the term of a member appointed under subsection (b)(2), (b)(3), (b)(5), or (b)(6) is two (2) years. A member may be reappointed to the council.

(f) An ex officio member of the advisory council, who serves as a member by virtue of the member's office or position, shall serve on the advisory council only during the term of the member's office or position.

(g) The ex officio members of the advisory council shall serve without compensation and shall receive no reimbursement for any expense which they may incur. A member of the advisory council who is not a state employee is entitled to:

(1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 4. IC 5-15-5.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

(1) the governor or his designee;

(2) the secretary of state or his designee;

(3) the state examiner of the state board of accounts or his designee;

(4) the director of the state library;

(5) the director of the historical bureau;

(6) the director of the commission on public records; ~~and~~

(7) the commissioner of the department of administration or his designee;

(8) the public access counselor; and

(9) the director of the data processing oversight commission.

(b) The oversight committee also consists of two (2) lay members appointed by the governor for a term of four (4) years. One (1) lay member shall be a professional journalist or be a member of an association related to journalism.

(c) The oversight committee shall elect one (1) of its members to be chairman. The director of the commission on public records shall be

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the secretary of the committee. The ex officio members of the oversight committee shall serve without compensation and shall receive no reimbursement for any expense which they may incur. Each lay member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency and each lay member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

SECTION 5. IC 36-2-7-10, AS AMENDED BY P.L.241-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds for the county surveyor's corner

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perpetuation fund for use as provided in IC 32-1-1-10 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of ~~three dollars (\$3)~~ **five dollars (\$5)** for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(c) The county treasurer shall establish a recorder's records perpetuation fund. **Except as provided in subsection (d),** all revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10) shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) One dollar (\$1) from each supplemental recording fee received under subsection (b)(10) shall be transferred to the local government records preservation account created under IC 5-15-1.5-5.4 to assist county recorders and other local officials in the preservation of legal and historical deeds and other permanent records.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

~~(e)~~ **(f)** The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

~~(f)~~ **(g)** The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-5-4-3.

(E) IC 10-5-7-1(a).

(F) IC 12-14-13.

(G) IC 12-14-16.

~~(g)~~ **(h)** The state and its agencies and instrumentalities are required

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- 1 to pay the recording fees and charges that this section prescribes.

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